

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

DOROTHY STANLEY, AS EXECUTRIX OF	:	
THE ESTATE OF HELEN A. RUNGE,	:	
Plaintiff	:	
	:	No. 05-10849-RGS
v.	:	(Judge Stearns)
	:	
WALTER J. KELLY, et al.	:	CIVIL ACTION
Defendants	:	JURY TRIAL DEMANDED

PLAINTIFF'S MOTION IN LIMINE TO PRECLUDE  
TESTIMONY AND STATEMENTS OF VIVIAN JOHNSON,  
GINA FORD, JOHN VANDENBURGH, ROSEMARIE CASS,  
KATHY CROUCH/COUCHE, JAMES OKEYWEKE,  
PRIMUS CHALON, ELLEN RICHWINE AND AL WILKINS

AND NOW, COMES, Plaintiff, Dorothy Stanley, Executrix of the Estate of Helen A. Runge ("Plaintiff"), by and through her counsel, and requests that the testimony and statements of Vivian Johnson, Gina Ford, John Vandenburg, Rosemarie Cass, Kathy Crouch/Couche, James Okeyweke, Primus Chalon, Ellen Richwine and Al Wilkins be precluded at trial in this matter:

1. Defendant Sunbridge withheld from its discovery responses to Plaintiff statements of 11 individuals<sup>1</sup> as stated in its Privilege Log dated November 21, 2006 and its Second Privilege Log dated June 1, 2007. See Privilege Logs attached as Exhibit A.

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<sup>1</sup> As Defendant Sunbridge has permitted Seidler and Porazzo-Perry to be deposed and made no objection to their testimony, it is clear that such testimony must not be covered by the peer review statute and is no longer covered by the attorney-client privilege and work product doctrine.

2. The statements were withheld from discovery as confidential information protected by Massachusetts's peer review statute and on the bases of the attorney-client privilege and work product doctrine.

3. The statements/testimony of the following nine individuals should be precluded: Vivian Johnson, Gina Ford, John Vandenburg, Rosemarie Cass, Kathy Crouch/Couche, James Okeyweke, Primus Chalon, Ellen Richwine and Al Wilkins ("the nine individuals").

4. Plaintiff does not know whether the statements are relevant to the case because Defendant Sunbridge has never disclosed the statements.

5. Even if relevant, the presentation of the statements and testimony at trial of the nine individuals will prejudice Plaintiff and confuse the issues remaining in the case because of the unfair advantage Defendant Sunbridge would have in knowing the contents of the statements when they were not produced to Plaintiff.

6. The statements and testimony of the nine individuals may not now be presented at trial where their statements were withheld based on the attorney-client privilege and work product doctrine.

7. The nine individuals' statements and testimony may not now be presented at trial because Defendant Sunbridge has identified the nine individuals' statements as protected by the Massachusetts's peer review statute and, pursuant to that statute, their testimony is equally protected and inadmissible.

8. In support of the instant Motion, Plaintiff incorporates her Memorandum of Reasons In Support of Motion in Limine to Preclude Testimony and Statements of Vivian Johnson, Gina Ford, John Vandenburg, Rosemarie Cass, Kathy Crouch/Couche, James Okeyweke, Primus Chalon, Ellen Richwine and Al Wilkins.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant Plaintiff's Motion in Limine to Preclude Testimony and Statements of Vivian Johnson, Gina Ford, John Vandenburg, Rosemarie Cass, Kathy Crouch/Couche, James Okeyweke, Primus Chalon, Ellen Richwine and Al Wilkins.

Respectfully submitted,

LATSHA DAVIS YOHE & MCKENNA, P.C.

Dated: June 15, 2008

By /s/ Glenn R. Davis  
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Attorneys for Plaintiff, Dorothy Stanley,  
Executrix of the Estate of Helen A. Runge

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing document was served upon the attorney of record for each party by electronic transmission.

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Dated: June 15, 2008

By /s/ Glenn R. Davis  
Glenn R. Davis

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

HELEN RUNGE,

*Plaintiff,*

v.

WALTER J. KELLEY; KERRY L.  
BLOOMINGDALE, M.D.; and  
SUNBRIDGE NURSING AND  
REHABILITATION CENTER,

*Defendants.*

Civil Action No. 05-10849-RGS

**DEFENDANT SUNBRIDGE'S  
PRIVILEGE LOG**

Pursuant to Rule 26 of the Federal Rules of Civil Procedure, Defendant Mediplex of Massachusetts, Inc. d/b/a SunBridge Care and Rehabilitation for Randolph produces the following privilege log of reflecting documents responsive to discovery requests, but withheld based on a claim of privilege.

DOCUMENT DESCRIPTION	PRIVILEGE
PRIV02525: list prepared by facility staff for counsel.	Attorney-client privilege and work product doctrine.
PRIV02526: Statement of Vivian Johnson.	Confidential information protected by the medical peer review statute, G.L. c. §§204 and 205. Attorney-client privilege and work product doctrine.
PRIV02527-28: 4/30/03 Statement of Gina Ford.	Confidential information protected by the medical peer review statute, G.L. c. §§204 and 205. Attorney-client privilege and work product doctrine.
PRIV02529: Statement of John Vandenburg	Confidential information protected by the medical peer review statute, G.L. c. §§204 and 205. Attorney-client privilege and work product doctrine.

PRIV02530: Statement of Rosemarie Cass	Confidential information protected by the medical peer review statute, G.L. c. §§204 and 205. Attorney-client privilege and work product doctrine.
PRIV02531: 4/30/03 Statement of Kathy Crouch	Confidential information protected by the medical peer review statute, G.L. c. §§204 and 205. Attorney-client privilege and work product doctrine.
PRIV02532: 4/30/03 Statement of James Okeyweke	Confidential information protected by the medical peer review statute, G.L. c. §§204 and 205. Attorney-client privilege and work product doctrine.
PRIV02533: 4/30/03 Statement of Primus Chalon	Confidential information protected by the medical peer review statute, G.L. c. §§204 and 205. Attorney-client privilege and work product doctrine.
PRIV-02534-36: Statement of Ellen Richwine	Confidential information protected by the medical peer review statute, G.L. c. §§204 and 205. Attorney-client privilege and work product doctrine.
PRIV02537: Statement of Farrah Seidler	Confidential information protected by the medical peer review statute, G.L. c. §§204 and 205. Attorney-client privilege and work product doctrine.
PRIV02538-39: 4/30/03 Statement of Al Wilkins	Confidential information protected by the medical peer review statute, G.L. c. §§204 and 205. Attorney-client privilege and work product doctrine.
PRIV02540: Statement of Sandy Parazzo	Confidential information protected by the medical peer review statute, G.L. c. §§204 and 205. Attorney-client privilege and work product doctrine.
PRIV02541: 5/1/03 Statement of Sandy Parazzo	Confidential information protected by the medical peer review statute, G.L. c. §§204 and 205. Attorney-client privilege and work product doctrine.
PRIV02542-45: Communications with law department	Attorney-client privilege and work product doctrine.

Respectfully submitted,

**Mediplex of Massachusetts, Inc. d/b/a  
SunBridge Care and Rehabilitation for  
Randolph**

by its attorneys,



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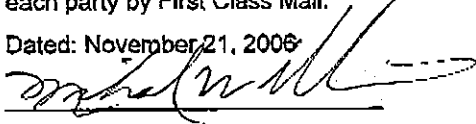
Facsimile: (617) 439-3987

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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of  
the above document was served  
upon the attorneys of record for  
each party by First Class Mail.

Dated: November 21, 2006



UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

HELEN RUNGE,

*Plaintiff,*

v.

WALTER J. KELLEY; KERRY L.  
BLOOMINGDALE, M.D.; and  
SUNBRIDGE NURSING AND  
REHABILITATION CENTER,

*Defendants.*

Civil Action No. 05-10849-RGS

**DEFENDANT SUNBRIDGE'S  
SECOND PRIVILEGE LOG**

Pursuant to Rule 26 of the Federal Rules of Civil Procedure, Defendant Mediplex of Massachusetts, Inc. d/b/a SunBridge Care and Rehabilitation for Randolph produces the following privilege log of reflecting documents responsive to discovery requests, but withheld based on a claim of privilege.

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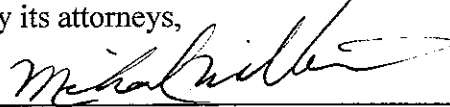
PRIV02530: Statement of Rosemarie Cass	Confidential information protected by the medical peer review statute, G.L. c. §§204 and 205. Attorney-client privilege and work product doctrine.
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PRIV02542-45: Communications with law department	Attorney-client privilege and work product doctrine.
PRIV04367: list prepared by facility staff for counsel (duplicate)	Attorney-client privilege and work product doctrine.
PRIV04368: Statement of Vivian Johnson (duplicate)	Confidential information protected by the medical peer review statute, G.L. c. §§204 and 205. Attorney-client privilege and work product doctrine.

PRIV04369-4370: Statement of Gina Ford dated 4/30/03 (duplicate)	Confidential information protected by the medical peer review statute, G.L. c. §§204 and 205. Attorney-client privilege and work product doctrine.
PRIV04371: Statement of John Vandenburg (duplicate)	Confidential information protected by the medical peer review statute, G.L. c. §§204 and 205. Attorney-client privilege and work product doctrine.
PRIV04.72: Statement of Rosemarie Cass (duplicate)	Confidential information protected by the medical peer review statute, G.L. c. §§204 and 205. Attorney-client privilege and work product doctrine.
PRIV04373: Statement of Kathy Crouch dated 4/30/03 (duplicate)	Confidential information protected by the medical peer review statute, G.L. c. §§204 and 205. Attorney-client privilege and work product doctrine.
PRIV04374: Statement of James Okeyweke dated 4/30/03 (duplicate)	Confidential information protected by the medical peer review statute, G.L. c. §§204 and 205. Attorney-client privilege and work product doctrine.
PRIV04375: Statement of Primus Chalon dated 4/30/03 (duplicate)	Confidential information protected by the medical peer review statute, G.L. c. §§204 and 205. Attorney-client privilege and work product doctrine.
PRIV04376-4378: Statement of Ellen Richwine (duplicate)	Confidential information protected by the medical peer review statute, G.L. c. §§204 and 205. Attorney-client privilege and work product doctrine.
PRIV04379: Statement of Farrah Seidler (duplicate)	Confidential information protected by the medical peer review statute, G.L. c. §§204 and 205. Attorney-client privilege and work product doctrine.
PRIV04380-4381: Statement of Al Wilkins dated 4/30/03 (duplicate)	Confidential information protected by the medical peer review statute, G.L. c. §§204 and 205. Attorney-client privilege and work product doctrine.
PRIV04382: Statement of Sandy Parazzo (duplicate)	Confidential information protected by the medical peer review statute, G.L. c. §§204 and 205. Attorney-client privilege and work product doctrine.
PRIV04383: Statement of Sandy Parazzo dated 5/1/03 (duplicate)	Confidential information protected by the medical peer review statute, G.L. c. §§204 and 205. Attorney-client privilege and work product doctrine.

Respectfully submitted,

**Mediplex of Massachusetts, Inc. d/b/a  
SunBridge Care and Rehabilitation for  
Randolph**

by its attorneys,



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Michael Williams (BBO# 634062)

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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of  
the above document was served  
upon the attorneys of record for  
each party by First Class Mail.

Dated: June 1, 2007

